



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

May 10, 2010

John Conrad, MD, Owner
Auburn Surgical Center dba South Sound Surgery, PLLC
101 2nd Avenue Northeast
Auburn, Washington 98002

Dear Dr. Conrad:

Thank you for your Ambulatory Surgery Center (ASC) Determination of Non-Reviewability (DOR) Application received in the Certificate of Need (CN) Program office on February 22, 2010. Subsequent information was obtained by the Certificate of Need Program related to the project. Below are the facts relied upon by the Certificate of Need Program in reaching its conclusion regarding your interest in establishing a timeshare arrangement with Nancy Becker, DO.

FACTS-Auburn Surgical Center dba South Sound Surgery, PLLC – Dr. Thomas Conrad

- On September 5, 2000, Certificate of Need # 1212 was issued to William Portuese, MD and Nancy (Johnson) Becker, DO approving the establishment of an ASC at 101 2nd Avenue Northeast in Auburn, within King County. The facility was known as Auburn Outpatient Surgery Center.
- Documentation obtained by the Certificate of Need Program demonstrates that Auburn Outpatient Surgery Center closed on November 1, 2009.
- Certificate of Need files show that Dr. Conrad has not received an exemption to operate an ASC or a Certificate of Need to operate an ASC at the 101 2nd Avenue Northeast in Auburn site.

FACTS--PROPOSED TIME-SHARE ASC

- Dr. Conrad submitted a request to establish a timeshare relationship with Dr. Becker at the 101 2nd Avenue site.
- Dr. Conrad provided a timeshare agreement outlining specifics of the arrangement.
- Dr. Becker did not provide a determination of non reviewability request or a timeshare agreement.
- Dr. Conrad's practice is located at the 101 2nd Avenue Northeast site in Auburn.
- Certificate of Need files indicate that Dr. Becker's practice is located at 1427 Jefferson Avenue in Enumclaw.

CONCLUSION


Based on the above factual information provided, the timeshare ASC application between Thomas Conrad, MD, and Nancy Becker, DO does not qualify for an exemption under Certificate of Need rules.

Further, since Auburn Outpatient Surgery Center closed on November 1, 2009, the approval under CN #1212 is not longer valid and a new determination of non-reviewability or CN must be issued before an ASC may be established at the 101 2nd Avenue Northeast site.

Enclosed is a copy of the Certificate of Need rules, (WAC 246-30), regulations (RCW 70.38), and a blank application form should you wish to pursue this project.

Please call me at (360) 236-2957 if you have any questions regarding this determination.

Sincerely,



Karen Nidermayer, Analyst
Certificate of Need Program
Office of Certification and Technical Support

Enclosure

cc: Department of Health, Investigations and Inspections Office